

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

Nakia Clemmons, #261888,	)	
	)	
Petitioner,	)	C.A. No.: 0:08-00607-RBH
	)	
vs.	)	<b>ORDER</b>
	)	
South Carolina and Warden Bodison,	)	
	)	
Respondents.	)	
	)	
_____	)	

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Bristow Marchant, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Petitioner filed [entry #26] objections to the Report and Recommendation on May 21, 2008. It now appears that the case should be reviewed by the Magistrate Judge to determine whether the case is now in proper form or for other appropriate proceedings.

After a thorough review of the Report and Recommendation, the objections filed by the Petitioner and the record in this case, the court recommits this case to Magistrate Judge Marchant for further proceedings. It is therefore

**ORDERED** that this case is hereby recommitted to Magistrate Judge Bristow Marchant for further proceedings.

**IT IS SO ORDERED.**

S/ R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge

Florence, South Carolina  
May 29, 2008